IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 109 OF 2007
WITH
CRIMINAL APPLICATION NO. 555 OF 2007

Shantaram Gopal Sangare and ors. ..Appellants

Vs.

The State of Maharashtra ..Respondent

Mr. P.B. Shah for appellants.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 22, 2007.

P.C.:

1. This appeal against the order of conviction and sentence for the offence punishable under Section 498-A read with Section 34 of IPC was admitted on 20/2/2007. During the pendency of this appeal, the original complainant-wife and appellant no.4 - Yashwant Gopal Sangare decided to take divorce by mutual consent. The husband had already filed Petition No.A-1333 of 2004 for divorce and in the said petition consent terms signed by the parties on 9/7/2007 came to be submitted. A copy of the said consent terms duly signed by the original complainant

- Anita Yashwant Sangare and the present appellants has been placed on record in this appeal. It is marked as "X" for identification.

2. Mr. Shah the learned counsel for the appellants, therefore, pray for quashing the criminal case in which the appellants have been convicted by relying upon the law laid down in the case of B.S. Joshi and ors. vs. State of Haryana and anr. **[AIR 2003 SC 1386]** and more so because the original complainant and the accused no.4 have already decided to take divorce by consent. The wife along with her father is present before the court and she has stated that she has willingly signed the consent terms after they were understood by her and she has consented for quashing the complaint in which the appellants have been convicted and which was initiated on the basis of her complaint in the concerned police station.

3. Hence, the appellants' prayer for quashing of Sessions Case No. 684 of 2005 is hereby allowed and consequently this appeal also stands allowed by setting aside the impugned order of conviction and sentenced dated 13/12/2006 passed by the learned

Additional Sessions Judge, Gr. Bombay in Sessions Case No.684 of 2005. The bail bonds of all the appellants would stand cancelled. In case the articles belonging to the wife are lying in the Muddemal property with the Sessions Court, she is at liberty to apply for return of the same and the learned Sessions Judge would pass an appropriate order expeditiously on such an application.

4. Criminal Application No. 555 of 2007 does not survive and the same shall stand disposed as such.

(B.H. Marlapalle,J.)